

# Notice of Allowability

Application No.

10/092,465

Examiner

Rodney G. McDonald

Applicant(s)

HARA ET AL.

Art Unit

1753

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 1-20-04.
2. ☒ The allowed claim(s) is/are 9-18.
3. ☒ The drawings filed on 28 June 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/463,967.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

Rodney G. McDonald  
Primary Examiner  
Art Unit: 1753

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Claims 9 and 14 are allowable over the prior art of record because the prior art of record does not teach a platinum sputtering target material, wherein the target material contains columnar crystals grown in a direction normal to a sputtering surface, and a ratio of an integral intensity of a (200) face to that of another arbitrary crystal face as determined by X-ray diffractometry is greater than the corresponding ratio as measured for a powder platinum sample.

Claims 10 and 15 are allowable over the prior art of record because the prior art of record does not teach a ruthenium sputtering target material, wherein said target material contains columnar crystals grown in a direction normal to a sputtering surface, and a ratio of an integral intensity of a (112) face to that of another arbitrary crystal face as determined by X-ray diffractometry is greater than the corresponding ratio as measured for a powder ruthenium sample.

Claims 11 and 16 are allowable over the prior art of record because the prior art of record does not teach a ruthenium sputtering target material, wherein said target material contains columnar crystals grown in a direction normal to a sputtering surface, and a ratio of an integral intensity of a (002) face to that of another arbitrary crystal face as determined by X-ray diffractometry is greater than the corresponding ratio as measured for a powder ruthenium sample.

Claims 12 and 17 are allowable over the prior art of record because the prior art of record does not teach a ruthenium sputtering target material, wherein said target

material contains columnar crystals grown in a direction normal to a sputtering surface, and a ratio of an integral intensity of a (004) face to that of another arbitrary crystal face as determined by X-ray diffractometry is greater than the corresponding ratio as measured for a powder ruthenium sample.

Claims 13 and 18 are allowable over the prior art of record because the prior art of record does not teach an iridium sputtering target material, wherein the target material contains columnar crystals grown in a direction normal to a sputtering surface, and a ratio of an integral intensity of a (220) face to that of another arbitrary crystal face as determined by X-ray diffractometry is greater than the corresponding ratio as measured for a powder iridium sample.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney G. McDonald  
Primary Examiner  
Art Unit 1753

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February 18, 2004